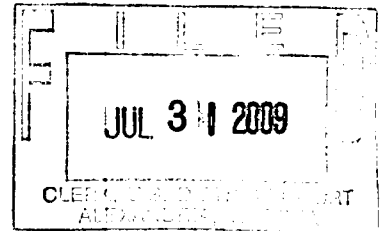


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION



Eric Haddad Koenig,)	
Plaintiff,)	
)	
v.)	Case No. 1:08-cv-1169 (GBL)
)	
ALL.COM,)	
Defendant.)	
)	

Final Judgment

THIS MATTER is before the Court on the June 9, 2009 Report and Recommendation of Magistrate Judge Thomas Rawles Jones, Jr. regarding Plaintiff Eric Koenig's unopposed Motion for Entry of Default Judgment against Defendant ALL.COM. This case concerns Magistrate Judge Jones' recommendation that the Court enter default judgment in favor of Plaintiff Eric Koenig because the registrant of the domain name ALL.COM is in violation of Mr. Koenig's rights as owner of the mark ALL.COM pursuant to 15 U.S.C. §1125. 15 U.S.C. §1125 imposes civil liability on any person causing dilution of any name or symbol in commerce that causes harm to any person believed to be damaged by such act. 15 U.S.C. §1125(A). No objection has been raised to this Report and Recommendation. Magistrate Judge Jones found that Mr. Koenig: (1) owns a mark that is protected under 15 U.S.C. §1125(a); (2) that the

registrant's use of the domain name violates Mr. Koenig's rights in the ALL.COM mark pursuant to 15 U.S.C. §1125(a) because the registrant in bad faith registered and used the domain name, which is confusingly similar to Mr. Koenig's mark; and (3) Mr. Koenig cannot obtain personal jurisdiction over any defendant in this case despite his due diligence in attempting to do so. For these reasons, Magistrate Judge Jones recommends that Mr. Koenig's motion for default judgment be granted, that default judgment be entered against Defendant domain name under Federal Rule of Civil Procedure 55(b)(2), and that domain name be transferred to Plaintiff pursuant to 15 U.S.C. §1125(d)(2)(D)(I). The Court adopts Magistrate Judge's Report and Recommendation and enters judgment in favor of Plaintiff Eric Koenig and awards Plaintiff the domain name ALL.COM.

Federal Rule of Civil Procedure 72(b) provides that a magistrate judge may hear a dispositive motion, without the consent of the parties, and recommend the disposition of the matter to a district judge. FED. R. CIV. P. 72(b). A party must serve any objections to the magistrate judge's recommendation within ten days of being served with a copy of the order. *Id.* The district judge to whom a case is assigned shall make a de novo determination of those

portions of the magistrate judge's recommendation to which objection is made. 28 U.S.C. §636 (2000). The Court may accept, reject, or modify, in whole or in part, the magistrate judge's findings or recommendations. *Id.* The Court may also request and receive further evidence on the matter. *Id.*

Having reviewed the aforementioned Motion and Judge Jones' Report and Recommendation and seeing that no timely objection has been filed under Federal Rule of Civil Procedure 72(b), this Court adopts Judge Jones' Proposed Findings of Fact and Recommendations, and it is hereby

ORDERED that Plaintiff Eric Haddad Koenig's Motion for Default Judgment is GRANTED. It is further

ORDERED that judgment be entered in favor of the Plaintiff Eric Haddad Koenig and against the domain name ALL.COM. It is further

ORDERED that judgment be entered against the Defendant domain name ALL.COM and that the domain name be transferred to Eric Haddad Koenig pursuant to 15 U.S.C. § 1125(d) (2) (D) (I) .

The Clerk is directed to forward a copy of this Order to counsel.

Entered this 31st of July, 2009.

/s/
Gerald Bruce Lee
United States District Judge

Alexandria, Virginia

7/ 31 /09